

Release
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**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF FEBRUARY 23, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-22 Agnew v. State Bd. of Equalization, S067358. (B109418.)

Unpublished opinion. Petition for review after the Court of Appeal reversed the judgment in an action for tax refund. This case presents an issue, concerning whether a taxpayer must pay the interest on a tax deficiency assessment as a prerequisite to bringing an action for refund of taxes, which is related to an issue before the court in Agnew v. State Bd. of Equalization, S063339 (see #97-145), and involves the same parties as that case.

#98-23 Delaney v. Baker, S067060. (A073292; 59 Cal.App.4th 1403.)

Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents issues, concerning the effects of the Medical Injury Compensation Reform Act on actions against health care professionals under the Elder Abuse and Dependent Adult Civil Protection Act, which are related to issues before the court in Mueller v. Saint Joseph Medical Center, S065893. (See #98-5.)

#98-24 People v. Rodriguez, S066848. (B014864.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of

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criminal offense. The court limited review to issues concerning whether it was error to exclude defense evidence offered for impeachment on a collateral matter and the sufficiency of the evidence to show the gun was loaded to support conviction of assault with a firearm.

#98-25 People v. Sanchez, S066991. (B105409; 59 Cal.App.4th 545.)
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case includes an issue, concerning the identification of necessarily included offenses, which is related to one pending before the court in People v. Ortega, S055216. (See #96-150.)

#98-26 Silo v. CHW Medical Foundation, S067058. (C022895, C024033.)
Unpublished opinion. Petitions for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents issues, concerning the availability under the Fair Employment and Housing Act of an action for employment discrimination against a supervisory employee and a religiously affiliated hospital, which are related to issues before the court in Reno v. Baird, S064573 (see #97-194), and McKeon v. Mercy Healthcare Sacramento, S054783 (see #96-120).

#98-27 Mercury Insurance Group v. Superior Court, S067462. (E019906; 59 Cal.App.4th 1463.) Petition for review after the Court of Appeal treated an appeal in a civil action as a petition for peremptory writ of mandate and granted it. This case is concerned with whether a trial court has discretion to consolidate a personal injury action with an uninsured motorist proceeding which is subject to binding, contractual arbitration and, if so, whether the court may refuse to enforce the arbitration agreement and order the consolidated proceedings either to trial or to nonbinding, judicial arbitration.

DISPOSITION

#96-25 People v. Casa, S051418, was transferred to the Court of Appeal for reconsideration in light of People v. Superior Court (Romero) 13 Cal.4th 497, and People v. Williams, 17 Cal.4th 148.

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